REJOINDER

Claims 11, 12, and 15-22 are directed to an allowable product. Pursuant to the procedures set forth in MPEP § 821.04(b), claim 26, directed to the process of making or using the allowable product, previously withdrawn from consideration as a result of a restriction requirement, is hereby rejoined and fully examined for patentability under 37 CFR 1.104. Claims 27-30, directed to the invention(s) of screening for a polypeptide having brain-localizing activity, do not require all the limitations of an allowable product claim, and therefore have NOT been rejoined.

Because a claimed invention previously withdrawn from consideration under 37 CFR 1.142 has been rejoined, **the restriction requirement between groups I and V as set forth in the Office action mailed on 03 April 2009 is hereby withdrawn**. In view of the withdrawal of the restriction requirement as to the rejoined inventions, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes

and/or additions be unacceptable to applicant, an amendment may be filed as provided

by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be

submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview

with Bruce Wu on March 15, 2010.

The application has been amended as follows:

IN THE CLAIMS

Claim 11 has been rewritten as the following:

An isolated polypeptide comprising:

(a)   a polypeptide comprising any one of the amino acid sequences set forth in

SEQ ID NOs: 1 and 3 to 12; or

(b)   a polypeptide comprising a peptide region cyclized by a disulfide bond

formed between cysteine residues on both ends of the polypeptide of (a).

In claim 23, lines 3-4 of the claim, the phrase "an amino acid sequence of any one of

SEQ ID NOs: 1 to 12" has been deleted and the phrase --- any one of the amino acid

sequences set forth in SEQ ID NOs: 1 and 3 to 12 --- replaced therefor.

In claim 25, lines 4-5 of the claim (in section (a)), the phrase "an amino acid sequence

of any one of SEQ ID NOs: 1 to 12" has been deleted and the phrase --- any one of the

amino acid sequences set forth in SEQ ID NOs: 1 and 3 to 12 --- replaced therefor.

Claim 26 has been rewritten as the following:

A method of screening for a molecule having binding activity to a polypeptide

comprising any one of the amino acid sequences set forth in SEQ ID NOs: 1 and 3-12,

wherein the method comprises the steps of:

(a)   contacting with a test molecule a polypeptide comprising any one of the

amino acid sequences set forth in SEQ ID NOs: 1 and 3-12;

(b)   detecting binding activity between the polypeptide and the test molecule;

and

(c)   selecting a molecule that binds to the polypeptide.

Cancel claims 27-30.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance: The claims

were amended to better clarify the scope of the claimed subject matter. Applicant's

representative notes that the Applicant reserves the right to prosecute the subject

matter of canceled claims 27-30 in a divisional application.

The closest prior art of record is noted as the following:

US Patent 6,562,958 to Breton et al. – discloses a polypeptide sequence comprising a fragment of the instant SEQ ID NO: 3, but does not teach or suggest a polypeptide comprising the sequence of instant SEQ ID NO: 3, nor the use of such a polypeptide in the present methods.

US Patent 7,214,786 to Kovalic et al. – discloses a polypeptide sequence comprising a peptide fragment of the instant SEQ ID NO: 8, but does not teach or suggest a polypeptide comprising the sequence of instant SEQ ID NO: 8, nor the use of such a polypeptide in the present methods.

US Patent 5,622,699 to Ruoslahti et al. – generically teaches methods of screening for peptides having brain-localizing activity, such as by the use of phage display libraries.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Advisory Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly Ballard whose telephone number is 571-272-2150. The examiner can normally be reached on Monday-Friday 8:30 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Stucker can be reached on 571-272-0911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Elizabeth C. Kemmerer/
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